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Supreme Court, U.S.
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Docket No: 08-1276

United States Supreme Court

Glenn Henderson
Plaintiff

v.

Sony Pictures Entertainment, et al.
Defendants

On Petition for a Writ of Certiorari to the
United States Court of Appeals for the Ninth
District

Petition for Rehearing

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Grounds for Rehearing

Evidence shows I must have been too afraid to fight in court when and I signed the settlement. I have been showing since then that I will fight in court. I signed the settlement out of fear because Sony kept lying and violated the court rule to tell the truth and committed perjury to the CA Labor Relations Board. Sony got others to believe their undocumented lies and utter nonsense and got others to conspire with them. Some others added untrue and defaming statements to what Sony said. My union representative, Christine Page of Local 174, defamed me and stated I was a poor performer and said I blamed others for my mistakes. Sony never claimed I blamed others for my mistakes. A workers' compensation doctor said I took little or no responsibility for the consequences of my actions. Sony never claimed that. The doctor had no idea what happened. I stated my supervisor lied, misled, and wrote me up for things she had not asked me to do. Sony and my supervisor, defendant Russo, offered absolutely no proof or evidence or argument or witness to contradict what I said. I offered some documented proof of what I said. I had witnesses to back up some of what I said. I offered reasonable and logical arguments. Sony sided with Russo, even though she was a well-known liar, who was later written up for being a bad manager, and even though she offered no proof or documentation to contradict me. The EEOC said I would likely lose a lot of money to Sony and the courts, and

then they defamed me. I was first written up at Sony, even though I had done my job duties excellently. Russo did not claim I made a mistake in cash application. So, evidently I had done my job duty of cash application perfectly, absolutely perfectly. At worst, I had done every single thing excellently. I signed the settlement while trying to deal with post-traumatic stress disorder, anxiety disorder, and depression.

I have been falsely accused of being inconsistent in my job performance. Usual usage means that was a claim I was a poor performer. I never was and was never close. I was probably actually inconsistent. I went back and forth from perfect to excellent. In their brief, Rosen and Carrasco falsely claimed my allegations were muddled.

The settlement said I could say I left Sony voluntarily. That would require me to lie, which is not ethical. I was fired on October 18, 2001. I signed the settlement in August 2002. I had been having to say I was fired for almost ten months. I had been to several accounting employment agencies and applied with a lot of employers.

Usually, a contract is about starting a relationship. It is usually about starting with nothing between the parties and not about wanting a new contract to break an old one. Sony wanted a new contract to get away with breaking an old one. The old one is still in effect because both sides did not agree to replace it. I did not agree. Sony replaced the CBA with the settlement.

When, I filed the state case that led to the settlement, I did not have a right-to-sue letter from the EEOC. The case was about discrimination in promotions. I thought a letter the EEOC had given me when I first went to them was a right-to-sue letter and that I had one year to file a case, but I was mistaken. So, I actually did not have the right to bring the case yet, and it should have been dismissed without prejudice.

I have other evidence and arguments I wanted to offer at trial. I feel I need to back up my claims in court papers. I feel like I am having to show my trial strategy in violation of due process. Sony attorneys Rosen and Carrasco defamed me about my job performance. I wanted to respond.

In their Opposition Brief, they wrongfully claimed I filed seven unsuccessful cases. Two were settled. One was transferred and combined. Three were partly dismissed without prejudice. One required me to put up security, which I did not do, and it was not dismissed on the merits. They failed to get any of those cases dismissed on the merits. None of my cases were unsuccessful. Before, they have complained that I re-filed claims that were dismissed without prejudice and added new claims. I added new claims because they did new wrongs. I have the right to re-file claims that were dismissed without prejudice.

In spite of law school and whatever experience, Rosen and Carrasco together evidently could not figure out that their Opposition Brief should be in booklet form.

Yet, they have tried in two courts to defame me and say I did not follow rules and disobeyed rules. I believe they probably did not intentionally violate the rules. I thought their mistake was pretty sad for lawyers. I actually felt sad. It looks like they got some outside help because an outside company served me. I do not think a separate appendix they had was put in booklet form; I was never served a copy of the appendix in booklet form. I am fine with their being able to re-file the Opposition Brief. I have been allowed to re-file to get my booklets acceptable.

Sony's lawyers are implicitly saying they believe the courts will ignore my rights, the laws, and the Constitution. They are implicitly saying the courts are incompetent and/or corrupt. Lawyers have complained about the number of defendants I have named. Many people have done wrong and so are defendants. Several people at Sony did wrong. It started with my manager. Some other managers and some other employees joined in. Sony got outside people to join in. Sony and others got lawyers, like Rosen and Carrasco, to join in. Lawyers got judges and justices to join in. I have done no wrong in listing so many defendants. I have done good. They should be stopped. It is a question of have they done wrong and not of how many defendants are there. I can understand if someone wonders did that many people do wrong. The answer is yes, and I have documented evidence that they all did.

Judges and justices have been legislating from the bench, and this court has allowed it. This court has allowed lying and perjury and reasons for disbarment, sanctions, and jail or prison.

The court should let me know if I had the right to complain to Mellon Bank about harassment from a bank employee. I have to re-file against Mellon because of the wrong ruling I should have filed Mellon claims in state court.

The district court said I did not allege actual duress. I meant mental stress when I said duress. I had heard of innocent people, who were arrested, admitting to wrongs they did not commit because they were under duress. I thought duress meant stress. I think sometimes or often, an explicit threat was not made to those arrested persons.

This court should point out the mistakes judges and justices made. The judges and justices should admit it. That would give the public more confidence in the courts and judicial system, if the public knew about it. It certainly would for me. The mistakes have allowed corrupt lawyers like Rosen and Carrasco and Sony's other lawyers to use those mistakes in more illegal and corrupt ways. These lawyers' claims that I was a poor performer at work and that I abused the judicial system are crimes and are contempt of this court and other courts. These lawyers and their clients should be punished accordingly, i.e. they should be severely punished, including given jail or prison time. This court

is aiding and abetting these criminal people by allowing them to get away with their behavior.

Kimes v. Stone (9th Cir. 1971) gives me the right to bring claims about statements made in court papers in spite of CA Civil Code 43 that gives immunity, if constitutional rights or civil rights were involved, like in this case. So, the lawyers and other defendants in this case do not have that immunity. I see that Rosen and Carrasco are only defending two Sony employees. I wondered if other defendants, who were Sony employees, are no longer at Sony. If so, I wonder why they left Sony.

I have a case that was dismissed in federal court this year. I will attempt to appeal that. I wonder if any members of this court realize you are defendants. I wonder if any of you remotely care. If the appeal does not work, the only thing I know to do is to try to put the members of this court, Rose, Carrasco, Lake, Zapp, Russo, and others under citizen's arrest. I probably would not try before November 2010. I am not sure where to start. I will keep trying the courts, although that seems futile. As long as I have a breath of life left in me, I will fight this case and fight other wrongs that happened in courts until I get justice. If you want to stop me, you will have to kill me. The members of this court and others are out of your minds if you think I am going to stand by while you allow supposed claims against a person not listed as a defendant to be dismissed and to allow the claim to stand that I made duplicative claims, when I clearly

showed the events and times were different. I ask this court for help in getting justice and in getting me psychological help. The stress, anxiety, fear, humiliation, and anger are causing me a lot of problems. Stress can kill. The illegal wrongs of this court, the lawyers and defendants in this case, and other courts and other people are attempted murder and probably will be murder when I die, because I imagine stress will be a or the factor, unless a bullet is the factor. I am extremely afraid of fighting and extremely afraid of not fighting.

I am not getting a fair and complete chance at litigation. I am not getting all my points addressed. I have not gotten all the laws and cases, that I referred to, addressed. I am not getting due process. I have been told that if I do not respond to a point, I am conceding the point. It should work the other way around when courts and lawyers do not respond to my points.

This court is making the statement that it is not important for everyone to get justice. I imagine many people feel that way because this court gets to decide what cases to hear. That violates the Constitution. Congress is allowed to only make exceptions about appeals this court must hear and not exclude every case.

Everyone should get a fair chance at justice, including those representing themselves. In *Zatko v. California* (1991), this court's majority opinion stated that the dissent said the court appeared to ignore its duty to provide equal access to justice for both

the rich and poor. The opinion said the message the majority hoped was the opposite and they allowed a lot of frivolous cases to be filed but wanted to stop repeated totally frivolous demands on the Court's limited resources. Justice Stevens and ex-Justice Blackmun dissented. I do not see how I am getting equal access that the Court seems to agree or used to agree everyone should get. I am sure a lot of people feel the same way about their cases. Justice Stevens, with Justice Blackmun joining in dissent, stated by branding petitioners in the case under Rule 39.8, "the Court increases the chances that their future petitions, which may very well contain a colorable claim, will not be evaluated with the attention they deserve." Justice Stevens seems to be able to easily understand the problem with being labeled a vexatious litigant, when the law does not apply to all and so is unconstitutional, and when the pro se litigant has not even violated the law. That has happened to me. Similarly, this court should be able to realize being a pro se can be a similarly bad label. A judge or justice would probably easily believe a lawyer would know more than a pro se, a person outside the law profession. I worry I will be banned from this Court. I am very, very worried about my cases not getting the attention they deserve in this court, district court, federal appeals court, and state courts because a corrupt and incompetent CA judge, Joe Hilberman, labeled me a vexatious litigant even though I had not violated an

unconstitutional law. Other corrupt and incompetent judges and justices in CA Superior Court, CA appeals court, the CA Supreme Court, and this United States Supreme Court agreed and/or let it stand. Now, a corrupt and incompetent federal judge, Otis Wright, wrongly declared me the same thing this year in federal court. This Court denied my petition in the case Hilberman decided. This Court denied me equal access to justice in direct and clear opposition to the Court's claims in Zatko. Zatko has a footnote in the dissent that refers to Demus, 500 U.S. (1991) and in Demus, Justice Marshall, joined by Justice Blackmun and Justice Stevens, states "And with each barrier that it places in the way of indigent litigants,...the Court can only reinforce in the hearts and minds of our society's less fortunate members the unsettling message that their pleas are not welcome here." I am getting that message reinforced by this Court, and I am getting the same kind of message in federal district and appeals courts and in CA Superior, appeals, and Supreme courts.

I hope this Court will grant the petition for rehearing and rule that my points should be addressed by this Court or the Ninth Circuit or the district court.

Attorney of Record

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Certification

I certify that the petition is presented in good faith and not for delay. The grounds are limited to circumstances of a substantial or controlling effect or to other substantial grounds not previously presented.